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WHITE BLACK LEGAL is an open access, peer-reviewed and refereed journal providededicated to express views on topical legal issues, thereby generating a cross current of ideas on emerging matters. This platform shall also ignite the initiative and desire of young law students to contribute in the field of law. The erudite response of legal luminaries shall be solicited to enable readers to explore challenges that lie before law makers, lawyers and the society at large, in the event of the ever changing social, economic and technological scenario.

With this thought, we hereby present to you

# **CASTE AND CRIME: ANALYZING THE SOCIO-ECONOMIC DIMENSIONS OF CASTE-BASED DISCRIMINATION IN INDIA**

AUTHORED BY - ANKITA MATHUR

## **ABSTRACT**

*This paper focuses on how caste based discrimination has facilitated socio-economic crimes in India. It goes on to examine how caste hierarchies not only perpetuate economic inequalities, but also severely limit access to opportunities (especially pronounced for the Dalits), and create circumstances that accentuate pathways toward public violence—how it empowers members of privileged social layers in directing their rage against those at a lower rung; brewing up local divisions among groups playing out as acts such as land grab/agitations within a common castes fold. It also talks about how historical injustices, systemic exclusion and discriminatory practices further subjugate the lower caste groups rendering them susceptible to economic exploitation including criminal activities. The paper also examines how the Caste-Poverty Nexus is real and blocking the upward mobility of drought-prone areas in these horrors.*

## **1. INTRODUCTION**

A nation's well-being depends on various factors such as economic prosperity, political stability, geographic security, social cohesion, smooth law enforcement, and adherence. The origin and development of socio-economic crimes in India can be traced back to various historical, social, and economic factors. Socio-economic crimes refer to offenses that are committed with the primary motive of gaining economic advantage or causing harm to individuals or society through economic means. These crimes often intersect with issues such as poverty, inequality, corruption, and exploitation.

### **1.1 Pre-British Era:**

India was known and still is known as one of the world's diverse and multi-cultural lands. Every part of India had a different culture and different language, yet what remained common was



the work they did. Before the British invaders came and destroyed the rich cultural heritage of India and its vast economy, India was majorly an Agrarian society.

Agrarian societies enable the development of more intricate social systems than hunter-gatherer communities, where significant time is dedicated to obtaining food. The introduction of farming generates surplus food, which can be stored for extended periods, thereby relieving other individuals from the constant need to forage for sustenance. This surplus facilitates specialization within agrarian societies. In agrarian societies, land serves as a primary source of wealth, leading to the establishment of more rigid social hierarchies. Landowners hold greater power and status compared to those without land for agricultural production. Consequently, agrarian societies often feature a privileged class of landowners alongside a subordinate class of laborers. Moreover, the abundance of surplus food allows for higher population densities, ultimately leading to the emergence of urban centers as agrarian societies evolve.<sup>1</sup>

### 1.2 The Onset of the British Era:

The origins of the British Empire in India lie in the East India Company, which in the 17th century established successful trading posts on the Indian coast at Surat, Bombay, Madras and Calcutta. India's history is marked by periods of colonial rule, feudalism, and socio-economic disparities, which have contributed to the emergence of various forms of exploitation and injustice.

Corruption in India traces its origins back to the era of British colonial rule. The British administration, by marginalizing large segments of the Indian populace from significant political and administrative spheres, laid the groundwork for a culture of corruption. One pivotal measure was the Official Secrets Act of 1923, which criminalized the disclosure of state information by public officials. Even after Independence, this legislation continued to contribute to the persistence of corruption. Moreover, India's post-Independence period saw the proliferation of corruption due to extensive state intervention, particularly in economic affairs, leading to the notorious License Permit Raj. This regulatory regime, characterized by heavy-handed state control in the guise of a socialist economy, stifled competition, discouraged

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<sup>1</sup> Crossman, A. (2019) *What is an agrarian society?*, ThoughtCo. Available at: <https://www.thoughtco.com/agrarian-society-definition-3026047> (Accessed: 05 September 2024).



foreign investment, and fostered a climate conducive to bribery and rent-seeking behaviors. Consequently, a thriving black market emerged, and smuggling of goods became commonplace.<sup>2</sup> During colonial rule, the British East India Company and later the British Raj imposed oppressive economic policies, exploited natural resources, and imposed heavy taxes on local populations, leading to widespread poverty and economic deprivation.

### 1.3 Post Independence:

After gaining independence in 1947, India adopted socialist principles and pursued a mixed economy model, with an emphasis on state-led development and social welfare programs. However, the implementation of economic policies, such as land reforms, nationalization of industries, and planned development, often led to corruption, inefficiency, and inequalities, creating fertile ground for socio-economic crimes.<sup>3</sup>

India's post-independence period witnessed rapid industrialization and urbanization, accompanied by migration from rural to urban areas in search of employment opportunities. This transition contributed to the growth of informal economies, slums, and vulnerable populations, leading to the proliferation of socio-economic crimes such as labor exploitation, human trafficking, and child labor.<sup>4</sup>

The economic reforms of the early 1990s, which liberalized India's economy and opened it up to foreign investment and trade, brought about significant socio-economic changes. While globalization and liberalization spurred economic growth and development, they also exacerbated inequalities, fostered corruption, and created new opportunities for white-collar crimes such as fraud, embezzlement, and money laundering.<sup>5</sup>

In this paper we will be discussing two developments of socioeconomic crimes first will be on how a government is pressurized to commit corruption relating to Sutherland's Theory of Differential Association and second how the caste system in India has been a significant part in the development of socio-economic crimes.

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<sup>2</sup> Sahoo, N. (2023) *India's fight against corruption: A long battle*, orfonline.org. Available at: <https://www.orfonline.org/expert-speak/indias-fight-against-corruption> (Accessed: 05 September 2024).

<sup>3</sup> Singh, R. (2016) *An overview on corruption in post-independent India*, Academia.edu. Available at: [https://www.academia.edu/23603163/An\\_overview\\_on\\_corruption\\_in\\_post\\_independent\\_India](https://www.academia.edu/23603163/An_overview_on_corruption_in_post_independent_India) (Accessed: 08 September 2024).

<sup>4</sup> *Ibid.*

<sup>5</sup> *Ibid*

## 2. Sutherland's Theory of Differential Association and the Governmental setup.

William Bonger, a Dutch criminologist, gave an opinion regarding the impact of capitalism on crime commission and observed that capitalism increases selfishness in individuals; poor and rich both may commit crimes. The opinion Bonger provided that rich people may also commit crimes but his study was not detailed and did not talk about crime committed in the performance of occupation. <sup>6</sup>

Unlike the European schools of criminology, which located deviant behavior within economic influences, Sutherland favored proximate and observable causes. He viewed sources of crime to be in the association and interaction of specific groups of people. His differential association theory considers crime a way of life derived from a person's attachment to groups for whom criminal acts are a measure of success and a way of life. He is known for applying this theory to criminal behavior within occupational groups (white-collar crime).<sup>7</sup>

Building on the premise of Sutherland's differential association theory a government can inherit corruption or other forms of socio-economic crimes from its predecessors through various channels:

1. Institutionalization: Corrupt practices may become entrenched within government institutions over time. If a new government does not actively address these issues, they can persist and even spread.
2. Cultural Norms: Corruption can become normalized within the culture of governance, leading successive governments to perpetuate the same corrupt behaviors if not actively challenged.
3. Personnel Continuity: Government personnel, including bureaucrats and officials, often remain in their positions despite changes in political leadership. If these individuals have been involved in corrupt practices under previous administrations, they may continue these practices unless measures are taken to hold them accountable.
4. Legal Framework: Laws and regulations established by previous governments may facilitate corruption if they contain loopholes or are inadequately enforced. A new

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<sup>6</sup> Matsueda, R.L. (2001) *The current state of Differential Association theory* - Ross L. Matsueda, 1988. Available at: <https://journals.sagepub.com/doi/10.1177/0011128788034003005> (Accessed: 08 September 2024).

<sup>7</sup> M S Gaylord; J F Galliher, (no date) *NCJRS Virtual Library, Criminology of Edwin Sutherland | Office of Justice Programs*. Available at: <https://www.ojp.gov/ncjrs/virtual-library/abstracts/criminology-edwin-sutherland> (Accessed: 08 September 2024).

government may inadvertently perpetuate corruption if it fails to reform or strengthen these legal mechanisms.

5. **Lack of Transparency:** If previous governments operated with limited transparency and accountability, it can create an environment where corruption thrives. Without efforts to increase transparency and accountability, a new government may unknowingly perpetuate corrupt practices.
6. **Significance of caste system in India in the development of Socioeconomic crimes**

In India, former untouchable castes and several tribal groups continue to be.. Based on the hierarchical social structure implied by the caste system such that the upper castes have traditionally been economically better-off than the lower castes with resulting social dominance, an argument can be made that an increase in the ratio of SCST expenditures to upper caste expenditures is positively correlated with the incidence of crimes committed by the upper castes against the lower castes.<sup>8</sup>

The commission of socio-economic crimes by the upper castes in India can be influenced by various factors, including historical, social, economic, and institutional dynamics. While it's essential to recognize that not all members of upper castes engage in criminal behavior, certain systemic factors may contribute to the perpetuation of such crimes.

#### Factors of Commission of socio-economic crimes by upper caste in India

1. **Historical Privilege and Power Structures:**  
The upper castes in India historically held positions of privilege and power, benefiting from centuries of social and economic dominance. This entrenched hierarchical structure may lead to a sense of entitlement and impunity among some members of the upper castes, contributing to the commission of socio-economic crimes.
2. **Caste-based Discrimination and Social Exclusion:**  
Despite legal reforms and affirmative action policies, caste-based discrimination and social exclusion persist in many parts of India. Upper castes may perceive lower-caste individuals as inferior and undeserving of equal rights and

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<sup>8</sup> Sharma, S. (1970) *Caste-based crimes and economic status: Evidence from India*, *Journal of Comparative Economics*. Available at: <https://ideas.repec.org/a/eee/jcecon/v43y2015i1p204-226.html> (Accessed: 08 September 2024).

opportunities, leading to exploitation, marginalization, and socio-economic crimes such as bonded labor, land grabbing, and wage exploitation.

3. Economic Interests and Resource Control:

Upper-caste individuals and communities often control significant economic resources, including land, businesses, and political influence. In pursuit of economic interests and maintaining power dynamics, some members of the upper castes may engage in corrupt practices, exploitation of labor, and land grabbing, perpetuating socio-economic inequalities and injustices.

4. Political Influence and Patronage Networks:

Upper castes have historically wielded significant political influence and formed patronage networks that protect their interests and perpetuate socio-economic disparities. This influence may result in the manipulation of laws, policies, and institutions to benefit the privileged few at the expense of marginalized communities, leading to socio-economic crimes and injustices.

5. Legal and Judicial Biases:

Despite legal safeguards, biases and prejudices within the legal and judicial system may favor upper-caste individuals and communities, resulting in lenient treatment or impunity for crimes committed against lower-caste individuals. This lack of accountability and access to justice further perpetuates socio-economic inequalities and marginalization.

6. Cultural Norms and Social Stigma:

Cultural norms and social stigma associated with caste hierarchy may reinforce discriminatory attitudes and behaviors among some members of the upper castes. This can manifest in practices such as untouchability, caste-based violence, and exploitation, perpetuating socio-economic injustices and marginalization of lower-caste communities.

7. Education and Awareness:

Lack of education and awareness about caste-based discrimination and socio-economic inequalities may contribute to the perpetuation of biased attitudes and behaviors among some members of the upper castes. Education and awareness-raising efforts can play a crucial role in challenging stereotypes, promoting empathy, and fostering social cohesion.



## Factors of Commission of socio economic crimes by lower caste in India

The commission of socio-economic crimes by lower castes in India can be influenced by various factors, including historical oppression, socio-economic marginalization, lack of access to resources, and systemic discrimination.

1. **Historical Oppression and Discrimination:**

Lower castes in India have historically faced oppression, discrimination, and social exclusion. Centuries of caste-based discrimination and untouchability have resulted in socio-economic marginalization and limited opportunities for education, employment, and social mobility.

2. **Economic Deprivation and Poverty:**

Lower-caste communities often experience higher levels of poverty and economic deprivation compared to upper castes. Lack of access to resources, landlessness, and limited employment opportunities can push individuals towards socio-economic crimes such as theft, burglary, and petty offenses as a means of survival.

3. **Exploitation and Bonded Labor:**

Lower-caste individuals are disproportionately affected by exploitative labor practices, including bonded labor, debt bondage, and wage exploitation. Lack of legal protections, coupled with economic vulnerabilities, make them easy targets for exploitation by employers and landlords.

4. **Social Exclusion and Marginalization:**

Social stigma and discrimination based on caste identity contribute to the marginalization and exclusion of lower-caste communities from mainstream society. Limited access to education, healthcare, and social services further perpetuates socio-economic disparities and vulnerabilities, increasing the likelihood of engagement in criminal activities.

5. **Limited Access to Justice:**

Lower-caste individuals often face barriers in accessing justice due to biases and prejudices within the legal and judicial system. Discrimination by law enforcement officials, lack of legal awareness, and limited resources for legal representation can hinder their ability to seek redress for grievances and injustices.

6. **Political Marginalization:**

Lower-caste communities may face political marginalization and exclusion from decision-making processes, limiting their ability to advocate for their rights and interests. Lack of representation in political institutions can perpetuate socio-

economic inequalities and contribute to feelings of disenfranchisement and resentment.

7. Intersections with Gender and Class:

Socio-economic crimes among lower-caste communities are often influenced by intersecting factors such as gender and class. Women and marginalized groups within lower castes may experience heightened vulnerabilities to exploitation and violence, further exacerbating socio-economic inequalities.

8. Cultural Norms and Survival Strategies:

Socioeconomic crimes may also be influenced by cultural norms and survival strategies within lower-caste communities. In contexts where traditional livelihoods are disrupted or unavailable, individuals may resort to illegal activities as a means of securing their basic needs and livelihoods.

### 3. CONCLUSION

In conclusion, the development of socio-economic crimes in India is deeply rooted in historical, social, economic, and institutional factors. From the pre-British era to the present day, various dynamics have contributed to the perpetuation of these crimes, affecting different sections of society differently.

The caste system in India has played a significant role in shaping socio-economic inequalities and injustices, particularly regarding crimes committed by upper-caste individuals against lower-caste communities. Historical privilege, economic interests, political influence, and cultural norms have all contributed to the perpetuation of exploitation and discrimination, leading to socio-economic crimes such as bonded labor, land grabbing, and wage exploitation.

Similarly, lower-caste communities have been disproportionately affected by socio-economic marginalization, lack of access to resources, and systemic discrimination, which have pushed some individuals towards criminal activities as a means of survival. Factors such as historical oppression, economic deprivation, social exclusion, and limited access to justice intersect to perpetuate socio-economic inequalities and vulnerabilities among lower-caste communities.

Addressing socio-economic crimes in India requires comprehensive efforts to address the root causes of inequality, discrimination, and marginalization. This includes promoting social

justice, economic empowerment, access to education and healthcare, strengthening legal and judicial mechanisms, and challenging discriminatory attitudes and behaviors. Furthermore, acknowledging and dismantling the entrenched power dynamics perpetuated by the caste system is essential for building a more equitable and just society for all.

